

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DAVID PINARD,)	Cause No. CV 05-147-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SHERIFF DUPONT; DAVE HUTTON;)	
KATHY FRAME; GLEN NEIER; BAKER;)	
O'CONNELL; MCGILVARY; SCHULER;)	
SMITH; HILL; MARTINEZ; ROOT;)	
NURSE BOB DOE; and GRAVES,)	
)	
Defendants.)	
)	

United States Magistrate Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 17, 2006. David Pinard did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b) (1). This Court will review the Findings and Recommendation for clear error.

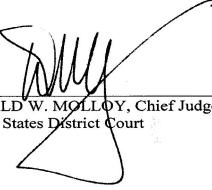
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

It is Judge Lynch's recommendation that Pinard's Complaint

(dkt #1) should be Dismissed and the docket should reflect that his filing of this action counts as one strike for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(g).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #6) and I adopt them in full. Plaintiff's Complaint is Dismissed and the docket should reflect that his filing of this action counts as one strike for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(g).

DATED this 23rd day of August, 2006.



DONALD W. MOLLOY, Chief Judge
United States District Court